

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13321, of Jonathan Woodner, Co., pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for special exceptions under Sub-section 3307.2 to allow a group of flats with division walls from the ground up to be deemed a single building and under Sub-paragraph 3101.410 to permit portion of an underground garage to be used for accessory parking to serve the Woodner apartments at 3636 - 16th Street, N.W., and for a variance to permit parking where the underground garage is partially above the level of the adjacent finished grade (Sub-paragraph 3101.4101) for a proposed new residential development comprising forty-two flats with common division walls from the ground up to be considered three buildings in an R-4 District at the premises 1601-1681 Oakwood Mews, N.W., (Square 2621, Lots 351, 354, 358, 839 and 840).

HEARING DATE: October 29, 1980

DECISION DATES: November 5 and December 3, 1980

DISPOSITION: The Board granted the application with conditions by a vote of 5-0 (Walter B. Lewis, Charles R. Norris, Connie Fortune, William F. McIntosh and Douglas J. Patton to GRANT).

FINAL DATE OF ORDER: March 5, 1981

FINDINGS OF FACT:

1. By letter of September 29, 1981, the applicant and the opposition filed a joint Motion for Reconsideration together with a request that the Board waive its Supplemental Rules to permit consideration of the Motion which would otherwise be untimely filed. The parties requested reconsideration and amendment of the Order dated March 5, 1981, to revise the traffic access system previously approved, provide for additional accessory parking, and permit the reconfiguration of the interior plan of the underground parking garage to provide for compact car spaces. These parking spaces are above the required number and the reconfiguration does not violate any zoning requirements. The parties are not seeking any additional relief by way of variances or special exceptions other than what the Board originally granted.

2. Specifically, the motion requested that the Board eliminate conditions 5 and 6 of the March 5 Order and modify condition 1 insofar as necessary to permit reconfiguration of the interior plan of the underground parking garage. These conditions state:

- "1. The property shall be developed in accordance with the plans marked as Exhibit No. 36 of the record.
5. The applicant shall construct the color coded card system governing access to the parking garage, as described in the letter dated October 20, 1980, marked as Exhibit No. 69A of the record, subject to the following provisions:
 - a. The applicant shall make every effort to see that the card system functions properly.
 - b. Residents of Oakwood Mews shall be permitted to gain access to the garage across the Woodner property.
 - c. Approval of the card system is valid for only one year after the date of issuance of the Certificate of Occupancy for the entire project. At the end of one year, the applicant shall reapply to the Board, so that the Board may evaluate whether the system is functional and appropriate. The applicant is advised that if the card system is not effective in minimizing traffic on Oak Street, the Board will consider other measures to effectuate a reduction in traffic.
6. All residents of the Woodner Apartments who lease parking spaces in the subject development shall have a clause in their lease specifically binding them to use the driveway on the Woodner Apartments property for access to the parking garage, and not to use Oak Street."

3. In lieu of conditions 5 and 6, the motion requested the Board to permit the construction of five additional visitor parking spaces to be located on the Woodner Apartments lot off Oak Street as shown the plan submitted with the motion, marked as Exhibit No. 105(A) of the record. These five visitor parking spaces will complement the six to nine visitor parking spaces which will be located on the Woodner Apartments lot off of 17th Street as required by condition 8 of the Order. Under this revised scheme, all traffic to and from the five additional visitor parking spaces, and the garage underneath the Oakwood Commons development, would use Oak Street and not the driveway across the Woodner Apartments property as contemplated by the March 5 Order. The existing fence which separates the Woodner Apartments from Oak Street would be maintained with an alteration to

accommodate the five visitor parking spaces. Woodner Apartment residents who lease spaces in the underground garage would obtain access to the garage by way of the stairwell between rows two and three of the development and an entry to the Woodner Apartment building which is to be constructed in the adjacent wall.

4. The revised arrangements as proposed will be more effective at minimizing the traffic and parking burden upon the surrounding streets than the color coded card system required by conditions 5 and 6 of the March 5 Order. The card system would have permitted residents of the Woodner Apartments to use the surrounding streets for vehicular and pedestrian access to the Woodner Apartments and for parking. This use of the surrounding streets is currently not possible because of the existence of a chain-link fence along the boundary of the Woodner Apartment lot. If the card system is employed, the fence would be opened to permit traffic to gain access to the Oakwood Commons development by crossing the Woodner Apartment lot. The alternative proposed would require the continued maintenance of the chain-link fence along the Woodner property with some alteration to permit the provision of five additional visitor parking spaces.

5. The motion also requested that the Board permit alteration of the original plan approved in condition 1 of the March 5 Order insofar as necessary to permit reconfiguration of the interior plan of the underground parking garage. As approved, the plan calls for eighty-eight parking spaces and three levels. The modification proposed will eliminate the lowest of the three levels, but retain the eighty-eight parking spaces. This will be accomplished by adjusting the column spacing within the garage and using space previously designed for ramps leading to the lowest level. The revised garage will still project out of grade as originally planned. Under this revised plan, the spaces which the Board required to be allotted to residents in the new Oakwood Commons development, fifty-two out of the total of 126, will all be full-sized, nine feet by nineteen feet. Of the remaining seventy-four spaces, which are above the number required by the Zoning Regulations, forty-five will be for compact cars with a minimum size of eight feet by sixteen feet and twenty-nine will be for full-sized cars. These additional spaces will be used by residents of the Woodner Apartments. Since all 270 parking spaces in the Woodner Apartments are for full-sized cars, the Jonathan Woodner Co. will be able to offer Woodner Apartment residents a space either in the Woodner Apartment garage or in the Oakwood Commons garage as is appropriate for the size of the resident's car. This proposed revision of the interior space of the parking garage does not require any new variances or spacial exceptions, only permission to alter one aspect of the plan approved in condition 1 of the Board's Order.

6. By memorandum dated September 28, 1981, the Department of Transportation advised that after the review of Exhibit 105(A) and (C) of the record DOT had no objections to the revision of the traffic access system previously approved, to the provision for additional accessory visitor parking spaces and a revision of the interior plan for the underground parking garage. The Board so finds.

7. All parties to this proceeding have submitted to the record their approval of the proposed subject modifications of the prior Order of the Board. All parties joined in the request to waive the time requirements for filing of the motion for Reconsideration. The motion could not be filed within ten days of the date of the Order, due to the period of negotiations entered into between the applicant and the opposition.

CONCLUSIONS OF LAW AND OPINION:

Based on the entire record, the Board concludes that good cause exists to waive the requirements of Section 5.41 of the Supplemental Rules of Practice and Procedure before the Board relating to the time in which to file a Motion for Reconsideration, that those requirements are hereby WAIVED, and the joint motion for Reconsideration is accepted.

The Board further hereby concludes that the relief requested of the Board is unchanged and that all material facts relied upon in granting the application are still relevant. The Board notes that all the parties in opposition concurred in the proposed modifications.

It is therefore hereby ORDERED that Conditions 1, 5 and 6 as contained in the Board's Order dated March 5, 1981 be deleted and that new Conditions 1, 5 and 6 be substituted therefore to read as follows:

- (1) The property shall be developed in accordance with the plans marked as Exhibit No. 39, as modified by Exhibit No. 105 A and 105 C of the record.
- (5) The property shall provide five visitor parking spaces for the Oakwood Commons development to be reached from Oak Street, located as shown on the plan marked as Exhibit No. 105A of the record.
- (6) The applicant shall maintain a fence so as to preclude the use of Oak Street from Woodner Apartment traffic, except for use by Woodner Apartment residents who lease space in the Oakwood Commons garage.

In all other respects, the Order dated March 5, 1981 shall remain in full force and effect.

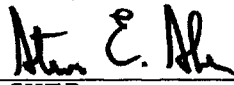
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DATE OF DECISION: October 7, 1981

VOTE: 4-0 (Walter B. Lewis, William F. McIntosh, Charles R. Norris
and Connie Fortune to WAIVE the untimely filing of the
Motion and to approve the modifications; Douglas J. Patton
not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 12 NOV 1981

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER
THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN
APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS
FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.